

SMALL CLAIMS ACTION

The law does not allow personnel of the Office of the Clerk of the Superior Court to assist in the selection or preparation of any forms or to advise you as to any procedure to be followed in obtaining a judgment.

Attached are the forms usually necessary for initiating a small claims action. These instructions and small claims forms are available on our website at www.monterey.courts.ca.gov. The Judicial Council forms (SC prefix) are also available at www.courtinfo.ca.gov/forms. For free assistance in completing court forms go to www.ezlegalfile.com, an interactive electronic forms program.

Form No.	Title	Number of Copies
SC-150	Information for the Small Claims Plaintiff	1
SC-100	Plaintiff's Claim and Order to Go to Small Claims Court	1
SC100A	Other Plaintiffs and Defendants	1
SC-103	Fictitious Business Name Declaration	1
SC-109	Authorization to Appear on Behalf of Party	1

All forms must be typed, legibly printed or hand written, in blue-black or black ink. Illegible or incomplete forms will delay the processing of the case. All forms must be completely filled out, i.e., all boxes checked as applicable, dated signed, etc.

Instructions for filing the plaintiff's claim with the Court:

1. Submit **one original** and **three copies** of the completed **SC-100 (all 5 pages must be included)**. The court will charge a fee if copies are not provided.
2. Submit **one copy** of the other applicable forms.
3. Pay a filing fee as follows:
 - a. \$30.00 if filing a claim up to \$1,500.00
 - b. \$50.00 if filing a claim greater than \$1,500.00 but less than \$5,000.00
 - c. \$75.00 if filing a claim greater than \$5,000.00 and up to \$7,500.00 (natural persons only)
 - d. \$100.00 if filing more than 12 Small Claims in the preceding 12 months.

If you are filing your claim by mail, please enclose a self-addressed postage paid envelope.

4. Inform the court clerk of the method of service you prefer on the Plaintiff's Claim:
 - a. Certified Mail: The court will mail the Plaintiff's Claim to the defendant by certified mail. The fee for this service is \$10.00 per defendant. (Include this fee with the Plaintiff's Claim filing fee). You must include an envelope, pre-addressed (no return address), for each defendant that you wish to have the court serve.
 - b. Personal Service by the Sheriff: Contact the Sheriff's office in the county where the defendant resides to obtain instructions. The Sheriff's office will charge a fee for this process. If the defendant resides in Monterey County, the fee for personal service is \$30.00 for each defendant, please contact the Sheriff's office at (831) 755-3712 to obtain additional information and the most current fees.
 - c. For additional types of service, refer to the Information Sheet, SC-150.

For additional questions or information:

Monterey College of Law Small Claims Advisor Services - Call (831) 582-5235 to make an appointment.

Superior Court of California, County of Monterey, Monterey Division - You may access the Court's automated phone system by calling (831) 647-5800. For small claims information, press #7; for division hours and locations, press #2.

SMALL CLAIMS ACTION

SUPERIOR COURT ADDITIONAL INSTRUCTIONS TO PLAINTIFF

It is very important to know the legal name of the person or business you are a filing a claim against. If you fail to designate the legal name of the person or business properly, you may be unable to proceed with your claim or enforce your judgment. Refer to form **SC-150** for more information on designating parties, - under "*Some rules about the defendant*"

HOW TO DESIGNATE PARTIES IN A SMALL CLAIMS ACTION

IF PLAINTIFF/DEFENDANT IS A(N)...	DESIGNATE AS...	ADDITIONAL INFORMATION
Individual	John L. Doe 123 1st Street Somewhere, CA 90000	<ul style="list-style-type: none"> • The plaintiff must sign the claim
Husband and Wife	John L. Doe and Jane Doe 123 1st Street Somewhere, CA 90000	<ul style="list-style-type: none"> • If plaintiff, either one may sign the claim.
Minor Represented by Guardian AD Litem	James Doe, a minor by James Doe –Guardian Ad Litem	<ul style="list-style-type: none"> • Guardian must sign claim • Petition and Order granting Guardian AD Litem must be filed and granted, form SC-.
Individual Doing Business Under a Fictitious Name	John L. Doe, d.b.a. ABC Auto Parts 123 Business Street Somewhere, CA 90000	<ul style="list-style-type: none"> • Plaintiff must file a Fictitious Name Declaration (SC-103) • If plaintiff, owner must sign claim
*Partnership	ABC Auto Parts, a partnership composed of John Doe and Sam Smith, Partners ^Agent for Service: John Doe 123 Business Street Somewhere, CA 90000	<ul style="list-style-type: none"> • If designated party is the plaintiff, one of the partners must sign claim. • ^If designated party is the defendant, include the name of the Agent for Service
*Partnership and Service on Partners as Individuals	ABC Auto Parts, A partnership composed of John Doe and Sam Smith, Partners Somewhere, CA 90000	<ul style="list-style-type: none"> • If designated party is the plaintiff, one of the partners must sign claim • If designated party is the defendant, include the name of the Agent for Service
*Corporation	ABC Auto Parts, Inc. ^Agent for Service: 123 Business Street Somewhere, CA 90000	<ul style="list-style-type: none"> • If designated party is the plaintiff, officer of corporation, member of board of directors or other authorized person must sign claim • ^If designated party is the defendant, include the name of the Agent for Service

* All corporations, associations or any other entity that is not a natural person must file with the Court a declaration, signed by the owner, president or officer of the corporation, indicating that the person signing and/or filing the claim is an authorized agent of the corporation or entity.

If you have not complied with the Fictitious Business Name laws, the Court may dismiss your claim. You may be able to re-file your claim when you have fulfilled these requirements.

SMALL CLAIMS ACTION

NOTICE TO ALL SMALL CLAIMS LITIGANTS - TRIAL DATE

In order to maintain jurisdiction over the small claims calendars, the Court does not accept requests for a case to be dropped off calendar.

It is the responsibility of the plaintiff to contact the court prior to the court date to ensure that proof of service has been filed with the Court.

1. No Proof of service - the defendant has not been served with the Plaintiff's Claim, the plaintiff contacts the Court before the trial date and;
 - a. requests a new trial date; the court clerk is authorized, one time per case, to re-issue the Plaintiffs Claim with a new trial date within 4-6 weeks, all other requests will need to be made in Court or
 - b. the plaintiff files a Request for Dismissal of the case.
2. Proof of service was filed with the Court and;
 - a. an Application for Postponement of Trial has been granted by the Court or
 - b. the plaintiff filed with the Court, a Request for Dismissal of the case.

The Court will proceed with the trial as scheduled if:

1. Proof of service or partial service was filed with the Court. If a defendant named on the Plaintiffs claim has not been served, the Court will ask the Plaintiff to;
 - a. Strike or dismiss the unserved defendant(s) from the claim or
 - b. If the plaintiff does not wish to strike or dismiss the unserved defendant(s), the Court will set a new trial date for service of the Plaintiffs Claim on the defendant(s). The Plaintiff will be directed to the Clerk's office for re-issuance of the Plaintiffs Claim with the new trial date.
2. If no proof of service has been filed with the Court and the plaintiff does not contact the court prior to the trial date and appears at the trial:
 - a. the Court will set a new trial date. The Plaintiff will be directed to the Clerk's office for reissuance of the Plaintiffs Claim with the new trial date set by the Court.
3. If the Plaintiff does not contact the Court and does not appear at the trial,
 - a. and the defendant appears at the trial, the judgment will be entered for the defendant.
 - b. if neither party appears, the case will be called in Court and dismissed, without prejudice, for lack of prosecution.

Request for postponement

If proof of service has been filed with the Court, and one of the litigants wants a postponement:

1. The litigant must complete an application for postponement (\$10.00 non-refundable fee)
2. The application must be submitted 10 calendar days prior to the scheduled court date.
3. If the order is granted the clerk will reset the case for a new trial date.
4. The clerk will mail the order with the Court's decision to all served litigants. The plaintiff will be responsible for serving any defendants, who have not already been served, with the new trial date.
5. Only one request for postponement, per litigant, will be accepted by the clerk. All additional requests must be made in court.

INFORMATION FOR THE SMALL CLAIMS PLAINTIFF

This information sheet is written for the person who sues in the small claims court. It explains some of the rules of and some general information about the small claims court. It may also be helpful for the person who is sued.

WHAT IS SMALL CLAIMS COURT?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff**. The person who is sued is the **defendant**. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. Your claim cannot be for more than \$5,000 or \$7,500 if you are a natural person (not a business or public entity) (*see below). If you have a claim for more than this amount, you may sue in the civil division of the trial court or you may sue in the small claims court and give up your right to the amount over \$5,000 or \$7,500 if you are a natural person. You cannot, however, file more than two cases in small claims court for more than \$2,500 each during a calendar year.

WHO CAN FILE A CLAIM?

1. You must be at least *18 years old* to file a claim. If you are not yet 18, tell the clerk. You may ask the court to appoint a **guardian ad litem**. This is a person who will act for you in the case. The guardian ad litem is usually a parent, a relative, or an adult friend.
 2. A person who sues in small claims court must first make a **demand** if possible. This means that you have asked the defendant to pay, and the defendant has refused. If your claim is for possession of property, you must ask the defendant to give you the property.
 3. Unless you fall within two technical exceptions, you must be the **original owner** of the claim. This means that if the claim is assigned, the buyer cannot sue in the small claims court.
- You must also appear at the small claims hearing yourself unless you filed the claim for a corporation or other entity that is not a natural person.**
4. If a corporation files a claim, an employee, officer, or director must act on its behalf. If the claim is filed on behalf of an association or other entity that is not a natural person, a regularly employed person of the entity must act on its behalf. A person who appears on behalf of a corporation or other entity must not be employed or associated solely for the purpose of representing the corporation or other entity in the small claims court. **You must file a declaration with the court to appear in any of these instances.** (See *Authorization to Appear on Behalf of Party, form SC-109.*)

WHERE CAN YOU FILE YOUR CLAIM?

You must sue in the right court and location. This rule is called **venue**. Check the court's local rules if there is more than one court location in the county handling small claims cases.

If you file your claim in the wrong court, the court will dismiss the claim unless all defendants personally appear at the hearing and agree that the claim may be heard.

The right location may be any of these:

1. Where the defendant lives or where the business involved is located;
2. Where the damage or accident happened;
3. Where the contract was signed or carried out;
4. If the defendant is a corporation, where the contract was broken;
5. For a retail installment account or sales contract or a motor vehicle finance sale:
 - a. Where the buyer lives;
 - b. Where the buyer lived when the contract was entered into;
 - c. Where the buyer signed the contract; or
 - d. Where the goods or vehicle are permanently kept.

SOME RULES ABOUT THE DEFENDANT (including government agencies)

1. You must sue using the defendant's *exact legal name*. If the defendant is a business or a corporation and you do not know the exact legal name, check with: the state or local licensing agency; the county clerk's office; or the Office of the Secretary of State, corporate status unit. Ask the clerk for help if you do not know how to find this information. If you do not use the defendant's exact legal name, the court may be able to correct the name on your claim at the hearing or after the judgment.
2. If you want to sue a government agency, you must first file a claim with the agency before you can file a lawsuit in court. Strict time limits apply. If you are in a Department of Corrections or Youth Authority facility, you must prove that the agency denied your claim. Please attach a copy of the denial to your claim.

HOW DOES THE DEFENDANT FIND OUT ABOUT THE CLAIM?

You must make sure the defendant finds out about your lawsuit. This has to be done according to the rules or your case may be dismissed or delayed. The correct way of telling the defendant about the lawsuit is called **service of process**. This means giving the defendant a copy of the claim. **YOU CANNOT DO THIS YOURSELF**. Here are four ways to serve the defendant:

1. **Service by a law officer** — You may ask the marshal or sheriff to serve the defendant. A fee will be charged.
2. **Process server** — You may ask anyone who is *not a party* in your case and who is at least *18 years old* to serve the defendant. The person is called a **process server** and must personally give a copy of your claim to the defendant. The person must also sign a proof of service form showing when the defendant was served. Registered process servers will do this for you for a fee. You may also ask a friend or relative to do it.
3. **Certified mail** — You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court prior to the hearing to see if the receipt for certified mail was returned to the court. **Service by certified mail must be done by the clerk's office except in motor vehicle accident cases involving out-of-state defendants.**
4. **Substituted service** — This method lets you serve another person instead of the defendant. You must follow the procedures carefully. You may also wish to use the marshal or sheriff or a registered process server.

* The \$5,000 or \$7,500 limit does not apply, and a \$4,000 limit applies, if a "defendant guarantor . . . is required to respond based upon the default, actions, or omissions of another" (\$2,500 if the defendant guarantor does not charge a fee for the service).

(Continued on reverse)

4. **Substituted service** (*continued*)

A copy of your claim must be left

— at the defendant's business with the person in charge;

OR

— at the defendant's home with a competent person who is at least 18 years old. The person who receives the claim must be told about its contents. Another copy must be mailed, first class, postage prepaid, to the defendant at the address where the paper was left. The service is not complete until *10 days* after the copy is mailed.

No matter which method of service you choose, the defendant must be served by a certain date or the trial will be postponed. If the defendant lives in the county, service must be completed at least *15 days* before the trial date. This period is at least *20 days* if the defendant lives outside the county.

The person who serves the defendant must sign a court paper showing when the defendant was served. This paper is called a *Proof of Service* (form SC-104). It must be signed and returned to the court clerk as soon as the defendant has been served.

WHAT IF THE DEFENDANT ALSO HAS A CLAIM?

Sometimes the person who was sued (the **defendant**) will also have a claim against the person who filed the lawsuit (the **plaintiff**). This claim is called the *Defendant's Claim*. The defendant may file this claim in the same lawsuit. This helps to resolve all of the disagreements between the parties at the same time.

If the defendant decides to file the claim in the small claims court, the claim may not be for more than \$5,000 or \$7,500 if the defendant is a natural person (*see reverse). If the value of the claim is more than this amount, the defendant may either give up the amount over \$5,000 or \$7,500 and sue in the small claims court or file a motion to transfer the case to the appropriate court for the full value of the claim.

The defendant's claim must be served on the plaintiff at least *5 days* before the trial. If the defendant received the plaintiff's claim *10 days* or less before the trial, then the claim must be served at least *1 day* before the trial. Both claims will be heard by the court at the same time.

WHAT HAPPENS AT THE TRIAL?

Be sure you are on time for the trial. The small claims trial is informal. You must bring with you all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses to come to court voluntarily. You may also ask the clerk of the court to issue a **subpoena**. A subpoena is a court order that *requires* the witness to go to trial. The witness has a right to charge a fee for going to the trial. If you do not have the records or papers to prove your case, you may also get a court order prior to the trial date requiring the papers to be brought to the trial. This order is called a *Small Claims Subpoena and Declaration* (form SC-107).

If you settle the case before the trial, you must file a **dismissal** form with the clerk.

The court's decision is usually mailed to you after the trial. It may also be hand delivered to you when the trial is over and after the judge has made a decision. The decision appears on a form called the *Notice of Entry of Judgment* (form SC-130).

WHAT HAPPENS AFTER JUDGMENT?

The court may have ordered one party to pay money to the other party. The party who wins the case and collects the money is called the **judgment creditor**. The party who loses the case and owes the money is called the **judgment debtor**. Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally both parties may be represented by lawyers after judgment. More information about your rights after judgment is available on the back of the *Notice of Entry of Judgment* form. The clerk may also have this information on a separate sheet.

HOW TO GET HELP WITH YOUR CASE

1. **Lawyers** — Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by a lawyer.
2. **Interpreters** — If you do not speak English, you may take a family member or friend to court with you. The court should keep a list of interpreters who will interpret for you. Some interpreters charge a reasonable or no fee. If an interpreter is not available, the court must postpone the hearing one time only so that you have time to get one.
3. **Waiver of fees** — The court charges fees for some of its procedures. Fees are also charged for serving the defendant with the claim. The court may excuse you from paying these fees if you cannot afford them. Ask the clerk for the *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A)) to find out if you meet the requirements so that you do not have to pay the fees.
4. **Night and Saturday court** — If you cannot go to court during working hours, ask the clerk if the court has trials at **night** or on **Saturdays**.
5. **Parties who are in jail** — If you are in jail, the court may excuse you from going to the trial. Instead, you may ask another person who is not an attorney to go to the trial for you. You may mail written declarations to the court to support your case.
6. **Accommodations** — If you have a disability and need assistance, please ask the court immediately to help accommodate your needs. If you are hearing impaired and need assistance, please notify the court immediately.
7. **Forms** — You can get small claims forms and more information at the California Courts Self-Help Center Web site (www.courtinfo.ca.gov), your county law library, or at the courthouse nearest you.
8. **Small claims advisors** — The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

*Clerk stamps date here when form is filed.***Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

*Fill in court name and street address:***Superior Court of California, County of***Clerk fills in case number and case name:***Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must go to court:** *(Clerk fills out section below.)***Trial
Date**

→ Date Time Department Name and address of court if different from above

1. _____
2. _____
3. _____

Date: _____ Clerk, by _____, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- *Before* you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number: _____

Plaintiff (list names): _____

1 The Plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.

☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

2 The Defendant (the person, business, or public entity being sued) is:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

☐ Check here if more than 2 Defendants and attach Form SC-100A.

☐ Check here if any Defendant is on active military duty, and write his or her name here: _____

3 The Plaintiff claims the Defendant owes \$ _____. (Explain below):

a. Why does the Defendant owe the Plaintiff money? _____

b. When did this happen? (Date): _____

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) _____

☐ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names): _____

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? ☐ Yes ☐ No

If no, explain why not: _____

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☐ (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant *or* where the Defendant lived or did business when the Defendant made the contract.
- (2) Where the Plaintiff's property was damaged.
- (3) Where the Plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (*Code Civ. Proc.*, § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (*Civil Code*, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (*Civil Code*, § 2984.4.)
- e. ☐ Other (specify): _____

- 6 List the zip code of the place checked in 5 above (if you know): _____

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☐ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date): _____

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No If yes, the filing fee for this case will be higher.

- 10 I understand that by filing a claim in small claims court:

- I have no right to appeal this claim and
- I cannot file, and have not filed, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above is true and correct.

Date: _____
Plaintiff types or prints name here



Plaintiff signs here

Date: _____
Second Plaintiff types or prints name here



Second Plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, *Request for Accommodations by Persons With Disabilities and Order*. (*Civil Code*, § 54.8.)



“Small claims court” is a special court where claims for \$5,000 or less are decided. A “natural person” (not a business or public entity) may claim up to \$7,500. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and any evidence that supports your case. And read “Get Ready for Court” at: www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don’t speak English well?

Ask the clerk if the court can give you an interpreter for free. If not, bring someone—like an adult relative or friend—who can interpret for you in court. It is best if your interpreter is not a witness or listed in this case. Or ask the clerk for a list of interpreters. (Interpreters usually charge a fee.)

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: www.courtinfo.ca.gov/forms

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see:

www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-110 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at:
www.courtinfo.ca.gov/selfhelp/smallclaims

La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. Una “persona natural” (que no sea un negocio ni una entidad pública) puede reclamar hasta \$7,500. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y lea “Prepárese para la corte” en:

www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accommodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés?

Pregúntele al secretario si la corte le puede dar un intérprete sin costo. Si no, lleve consigo a alguien— ya sea un pariente adulto o amigo— que pueda servirle de intérprete en la corte. O pide del secretario una lista de intérpretes. Es mejor que su intérprete no sea un testigo ni una persona que figure en este caso. (Los intérpretes en general cobran un honorario.)

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en:

www.courtinfo.ca.gov/forms

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm

¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-110 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea “Información por condado” en:

www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores

☒ This form is attached to Form SC-100, item 1 or 2.

1 If more than 2 Plaintiffs (person, business, or entity suing), list their information below:

Other Plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this Plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.

Other Plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this Plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.

☐ Check here if more than 4 Plaintiffs and fill out and attach another Form SC-100A.

2 If more than 2 Defendants (person, business, or entity being sued), list their information below:

Other Defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other Defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

☐ Check here if more than 4 Defendants and fill out and attach another Form SC-100A.

3 I understand that by filing a claim in small claims court:

- I have no right to appeal this claim and
- I cannot file, and have not filed, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and all information in the court forms and attachments that I have filed for this case are true and correct.

Date: _____
Type or print your name

▶
Sign your name

Date: _____
Type or print your name

▶
Sign your name

This form is attached to: ☐ Form SC-100 **OR** ☐ Form SC-120

- 1 If you want to file a small claim and you are doing business under a fictitious name (“doing business as,” or “dba”) give the following information.** *(Nonprofits and exempt real estate investment trusts do not have to file this form.)*

Business name of the person suing: _____

Business address (not a U.S. Postal Service P.O. Box): _____

Mailing address (if different): _____

- 2 The business listed in 1 does business as** *(check ONLY one):*

☐ an individual

☐ a corporation

☐ an association

☐ a limited liability company

☐ a partnership

☐ other (specify): _____

You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county and publishing this information in a local newspaper, the court can dismiss your case.

- 3 Name of county where you filed your Fictitious Business Name Statement (dba):** _____

- 4 Your Fictitious Business Name Statement number:** _____

- 5 Date your Fictitious Business Name Statement expires:** _____

- 6** I declare, under penalty of perjury under California State law, that the information above is true and correct.
Only the owner, president, chief executive officer (CEO), or other qualified officer can sign this form.

Date: _____

Type or print your name and title



Sign your name

**Need help?**

Your county's Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at:
www.courtinfo.ca.gov/selfhelp/smallclaims

(State your name and address): <div style="display: flex; justify-content: space-between;"> APPEARING FOR <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT </div> <div style="display: flex; justify-content: space-between;"> TELEPHONE NO. : FAX NO. (Optional): </div> E-MAIL ADDRESS (Optional):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF (Name): DEFENDANT (Name):	
AUTHORIZATION TO APPEAR ON BEHALF OF PARTY (Small Claims)	CASE NUMBER:

1. I am authorized to appear on behalf of
☐ Plaintiff (name):
☐ Defendant (name):
 (An attorney may participate only as provided in Code Civ. Proc., § 116.530.)
2. My name is (specify):
3. My
 - a. ☐ title is (specify):
 - b. ☐ relationship to the party on whose behalf I am appearing is (specify):
4. I am appearing on behalf of (check one box):
 - a. ☐ **a corporation.** I am a regular employee or an appointed or elected officer or director of the corporation and do not solely represent the corporation in small claims court.
 - b. ☐ **a sole proprietorship.** I am qualified to testify about the identity and method used to prepare the business records that were made in the regular course of business at or near the time of the event. The claim can be proved or disputed by evidence of an account that makes up the business record and there is no other issue of fact in this case (see Evid. Code, § 1271). I am a regular employee and do not solely represent the party in small claims court.
 - c. ☐ **a business that is not a corporation or sole proprietorship.** I am a regular employee or an appointed or elected officer or director or, in the case of a partnership, a partner of the business and do not solely represent the business in small claims court.
 - d. ☐ **a government agency or other public entity.** I am a regular employee or an appointed or elected officer or director and do not solely represent the government agency or public entity in small claims court.
 - e. ☐ **a plaintiff serving on out-of-state active duty in the United States armed forces.** The plaintiff was assigned to an out-of-state duty station after his or her claim arose and the assignment is for more than six months. I am not being compensated for appearing. I have appeared in small claims court on behalf of others no more than four times during the calendar year.
 - f. ☐ **a party incarcerated in a county jail, a Department of Corrections facility, or a Youth Authority facility.** I am not being compensated for appearing. I have appeared in small claims court on behalf of others no more than four times during the calendar year.
 - g. ☐ **a defendant nonresident owner (out of state or country) of real property.** I am not being compensated for appearing. I have appeared in small claims court on behalf of others no more than four times during the calendar year.
 - h. ☐ **an owner of rental property.** I am a property agent under contract with the owner to manage rental of the property. The claim relates to the rental property. The owner has retained me principally to manage the rental of that property and not to represent the owner in small claims court. I am not employed to solely represent the owner in small claims court.
 - i. ☐ **my spouse.** I have sued or been sued with my spouse on a joint claim. My spouse has given me consent to represent him or her in small claims court. I request the court to find that the interests of justice would be served by having me appear and participate on behalf of my spouse.

<u> </u> PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

5. ☐ I request that the court, in its discretion, allow me to assist a party who cannot properly present his or her claim or defense without my assistance. *(State why party needs your assistance):*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

<hr/>		<hr/>
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

